

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
916/445-1912



February 23, 1979

To: All County Welfare Directors

Letter No. 79-6

EXPANSION OF IN-HOME SUPPORTIVE SERVICES (IHSS) MEDI-CAL ELIGIBILITY DUE
TO ASSEMBLY BILL (AB) 2890

Assembly Bill 2890, which was effective January 1, 1979, expanded the circumstances under which disabled persons who have gone to work can continue to receive IHSS. Under this bill, persons who need one or more of the services that a severely impaired persons needs may continue to be eligible for IHSS after discontinuance from SSI/SSP for engaging in substantial gainful activity if their income does not exceed the cost of the IHSS they need. Persons eligible for IHSS because of AB 2890 are also eligible for Medi-Cal.

The Department of Social Services adopted emergency regulations on January 2, 1979 to implement AB 2890. We are in the process of revising California Administrative Code, Title 22, Section 50245 to specifically describe this new group of IHSS eligibles as a subcategory of Medi-Cal eligibles. This regulation will be adopted on an emergency basis as soon as possible. A copy is enclosed. Effective January 1, 1979 persons found eligible for IHSS on the basis of AB 2890 should be issued Medi-Cal cards under Aid Code 18, 28, or 68, whichever is appropriate.

Sincerely,

Original signed by

Doris Z. Soderberg, Chief
Eligibility Branch
Medical Care Standards Division

Enclosure

cc: Medi-Cal Liaisons
Medi-Cal Field Representatives

Expiration Date: August 31, 1979

DRAFT - FOR DISCUSSION ONLY
Date 12-21-78

50245. In-Home Supportive Services (IHSS). (a) A person shall be eligible under the In-Home Supportive Services (IHSS) category if the person is receiving IHSS as defined in the social services regulations of the Department of Social Services and all of the requirements in either (1) or (2) are met:

(1) The person:

~~(A) Is receiving IHSS as defined in the social services regulations of the Department of Social Services.~~

~~(B)~~(A) Is eligible for SSI/SSP but does not wish to apply or would be eligible for SSI/SSP except that the person's income is in excess of the SSI/SSP payment level.

~~(C)~~(B) Is paying all of his or her net non-exempt income in excess of the SSI/SSP payment level toward the cost of IHSS.

(2) The person:

(A) Was once determined to be disabled in accordance with Section 1614, Part A, Title XVI, Social Security Act.

(B) Was eligible for SSI/SSP but became ineligible because of engagement in substantial gainful activity as defined in Title XVI regulations.

(A)(C) Continues to suffer from the physical or mental impairments which were the basis of the disability determination.

(C)(D)^{IX} has been determined by the county social services staff to require assistance in one or more of the areas specified under the definition of severely impaired as defined in the social services regulations of the Department of Social Services.

(D) Would be eligible for SSI/SSP and IHSS if not for IHSS as defined in (1); if he or she were not that he or she has not been engaged in substantial gainful activity as defined in Title XVI regulations.

(E) Is paying all of his or her net non-exempt income in excess of the SSI/SSP payment level toward the cost of IHSS.

(b) Eligibility under this category shall exist if an IHSS payment is being made to or on behalf of a person who is receiving IHSS and who is not eligible for SSI/SSP.

(b) This regulation is effective January 1, 1979.